

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

McWane, Inc. :
 :
 Plaintiff, : Case No. C-1-00-986
 :
 v. : Judge Herman J. Weber
 :
 Fidelity and Deposit Company :
 of Maryland, :
 :
 Defendant. :

AGREED JUDGMENT

Upon motion of the parties pursuant to Fed. R. Civ. P. 68, the Offer of Judgment by Defendant Fidelity and Deposit Company of Maryland, and the Acceptance by Plaintiff McWane, Inc., and the Offer and Acceptance having been filed,

Judgment is hereby entered in favor of Plaintiff McWane, Inc. against Defendant Fidelity and Deposit Company of Maryland in the sum of \$500,801.94 plus court costs to date in the amount of \$255.00.

APPROVED:

/s/ Daniel F. Gourash

Daniel F. Gourash (0032413), Trial Counsel
David A. Bell (0046817)
Michael J. Montgomery (0070922)
Porter Wright Morris & Arthur LLP
Counsel for Plaintiff McWane, Inc.

/s/ William H. Woods

William H. Woods (0006748), Trial Counsel
Dennis D. Liston (0006635)
McNamara and McNamara, L.L.P.
Counsel for Defendant Fidelity and
Deposit Company of Maryland

*It is so ordered
H. J. Weber
S 4503
8/18/04*